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Attorney for Defendant LEON BENZER

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	Case No.: 2:13-CR-0174-JAD-CWH
	)	
Plaintiff,	)	
	)	
vs.	)	<b><u>STIPULATION TO CONTINUE</u></b>
	)	<b><u>TRIAL DATE</u></b>
LEON BENZER,	)	<b>(Third Request)</b>
	)	
Defendant	)	

**IT IS HEREBY STIPULATED AND AGREED**, by and between Mythili Ramen, Assistant Attorney General, and Thomas B.W. Hall, Esq., Trial Attorney, counsel for the United States of America, and Daniel J. Albregts, Esq., counsel for defendant LEON BENZER, that the calendar call in the above-captioned matter currently scheduled for January 22, 2014 at the hour of 9:30 a.m. and the trial date currently scheduled for January 28, 2014 at the hour of 9:00 a.m., be vacated and continued to a date certain in March 2014 that is convenient to this Honorable Court pending the Court's decision on the defendant's anticipated motion to continue.

This Stipulation is entered into for the following reasons:

1. Defense counsel has been experiencing some personal family issues which have required counsel's attention to the detriment of preparing this case. Counsel would therefore be unprepared to proceed to trial on the currently scheduled trial date. For this reason the Government does not oppose a continuance of this trial to a date certain in March 2014 and the

parties jointly request a continuance of this trial to a date certain in March 2014, pending the Court's decision on the defendant's anticipated motion to continue.

2. For reasons apart from the personal issues outlined above, the defense will request a lengthy continuance as referenced above. The parties disagree on when this case should proceed to trial. The government opposes any continuance beyond March 2014 and wants to proceed to trial in March, 2014. The defense opposes this and will move this court for a further lengthy continuance as referenced above. The parties will leave it to the Court to decide when the trial will actually commence after the matter is fully briefed and argued.

3. The defendant is not in custody and does not object to this request.

4. Denial of this request for a continuance would deny the defendant herein sufficient time and opportunity to effectively and thoroughly prepare for trial in this case, taking into consideration the exercise of due diligence. Denial of this request would result in a miscarriage of justice.

5. This is the third request for a continuance of the trial.

6. This request for a continuance is made in good faith and is not intended to delay the proceedings in this matter.

7. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Section 3161(h)(7)(B).

DATED this 15th day of January, 2014.

JEFFREY KNOX  
Chief, U.S. Department of Justice  
Fraud Section, Criminal Division

DANIEL J. ALBREGTS, LTD.

/s/ Thomas B.W. Hall  
THOMAS B.W. HALL  
Trial Attorney, U.S. Dept. of Justice  
Criminal Division, Fraud Section

/s/ Daniel J. Albregts  
DANIEL J. ALBREGTS, ESQ.  
Counsel for Defendant BENZER

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEON BENZER,

Defendant

Case No.: 2:13-CR-0174-JAD-CWH

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER**

**FINDINGS OF FACT**

Based on the pending stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. Defense counsel has been experiencing some personal family issues which have required counsel's attention to the detriment of preparing this case. Counsel would therefore be unprepared to proceed to trial on the currently scheduled trial date. The Government does not oppose a continuance for this purpose and consents to a continuance to a date certain in March 2014, pending the Court's decision on the defendant's anticipated motion to continue.

2. . For reasons apart from the personal issues outlined above, the defense will request a lengthy continuance as referenced above. The parties disagree on when this case should proceed to trial. The government opposes any continuance beyond March 2014 and wants to proceed to trial in March, 2014. The defense opposes this and will move this court for a further lengthy continuance as referenced above. The parties will leave it to the Court to decide when the trial will actually commence after the matter is fully briefed and argued. The parties will leave it to the Court to decide when the trial will actually commence after the matter is fully briefed and argued.

3. The defendant is not in custody and does not object to this request.

1 4. Denial of this request for a continuance would deny the defendant herein sufficient  
2 time and opportunity to effectively and thoroughly prepare for trial in this case, taking into  
3 consideration the exercise of due diligence. Denial of this request would result in a miscarriage  
4 of justice.

5 5. This is the third request for a continuance of the trial.

6 6. This request for a continuance is made in good faith and is not intended to delay the  
7 proceedings in this matter.

8 CONCLUSIONS OF LAW

9 1. Denial of this request for continuance would deny the defendant herein sufficient time  
10 and the opportunity within which to be able to effectively and thoroughly prepare for trial in this  
11 case, taking into account the exercise of due diligence.

12 2. Additionally, denial of this request for continuance would result in a miscarriage of  
13 justice.

14 3. For all the above-stated reasons, the ends of justice would best be served by a  
15 continuance of the trial date.

16 4. The additional time requested by this Stipulation is excludable in computing the time  
17 within which the trial herein must commence under the Speedy Trial Act, Title 18, United States  
18 Code, Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code,  
19 Section 3161(h)(7)(B).

20 ORDER

21 **IT IS THEREFORE ORDERED** that the January 28, 2014 stacked trial setting be  
22 vacated and the same is continued and reset for Tuesday, March 18, 2014, at 9:00 a.m.

23  
24 **IT IS FURTHER ORDERED** that the calendar call currently scheduled for Wednesday,  
25 January 22, 2014 is vacated and continued and reset for Wednesday, March 12, 2014, at  
26 9:30 a.m. ., and counsel and the defendants are advised that they must be present at the calendar  
27 call.  
28

1           **IT IS FURTHER ORDERED** that the trial briefs, proposed voir dire questions,  
2 proposed jury instructions, and a list of the government's prospective witnesses shall be  
3 submitted to the Court by March 12, 2014.

4           DATED this 21st day of January, 2014.

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8 UNITED STATES DISTRICT JUDGE  
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